As Passed by the Senate

131st General Assembly

Regular Session 2015-2016

Sub. S. B. No. 215

Senators Hughes, LaRose

Cosponsors: Senators Uecker, Bacon, Beagle, Burke, Coley, Gardner, Hite, Hottinger, Jones, Jordan, Lehner, Manning, Obhof, Patton, Sawyer, Schiavoni, Tavares, Thomas, Yuko

A BILL

То	enact sections 959.133 and 2151.88 of the	1
	Revised Code to grant a person immunity from	2
	civil liability for any damage resulting from	3
	the forcible entry of a motor vehicle for the	4
	purpose of removing a minor or an animal from	5
	the vehicle because the minor or the animal is	6
	in imminent danger of suffering harm.	7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 959.133 and 2151.88 of the	8
Revised Code be enacted to read as follows:	9
Sec. 959.133. (A) Except as provided in division (C) of	10
this section, a person shall be immune from civil liability for	11
any damage resulting from the forcible entry of a motor vehicle	12
for the purpose of removing an animal from the vehicle if the	13
person does all of the following:	14
(1) Determines the vehicle is locked or there is otherwise	15
no reasonable method for the animal to exit the vehicle.	16

(2) Has a good faith belief that forcible entry into the	17
vehicle is necessary because the animal is in imminent danger of	18
suffering harm if not immediately removed from the vehicle and,	19
based upon the circumstances known to the person at the time,	20
the belief is a reasonable one.	21
(3) Has made a good faith effort to contact the local law	22
enforcement agency, the fire department, or a 9-1-1 operator	
prior to forcibly entering the vehicle. If contact is not	24
possible prior to forcibly entering the vehicle, the person	25
shall make contact as soon as possible after forcibly entering	26
the vehicle.	27
(4) Makes a good faith effort to place a notice on the	28
vehicle's windshield with the person's contact information, the	29
reason the entry was made, the location of the animal, and the	30
fact that the authorities have been notified.	31
(5) Remains with the animal in a safe location until law	32
enforcement or emergency responders arrive.	33
(6) Used not more force to enter the vehicle and remove	34
the animal from the vehicle than was necessary under the	35
<u>circumstances.</u>	36
(B) Nothing in this section shall affect the person's	37
civil liability if the person attempts to render aid to the	38
animal in addition to what is authorized by this section.	39
(C) A person shall not be immune from civil liability for	40
any damage resulting from the forcible entry of a motor vehicle	41
for the purpose of removing an animal from the vehicle if the	42
person's actions constitute recklessness or willful or wanton	43
misconduct with regard to the forcible entry of the motor	44
vehicle.	45

(D) As used in this section, "harm" means injury or death.	46
Sec. 2151.88. (A) Except as provided in division (C) of	47
this section, a person shall be immune from civil liability for	48
any damage resulting from the forcible entry of a motor vehicle	49
for the purpose of removing a minor from the vehicle if the	50
person does all of the following:	51
(1) Determines the vehicle is locked or there is otherwise	52
no reasonable method for the minor to exit the vehicle.	53
(2) Has a good faith belief that forcible entry into the	54
vehicle is necessary because the minor is in imminent danger of	55
suffering harm if not immediately removed from the vehicle and,	56
based upon the circumstances known to the person at the time,	57
the belief is a reasonable one.	58
(3) Has made a good faith effort to contact the local law	59
enforcement agency, the fire department, or a 9-1-1 operator	60
prior to forcibly entering the vehicle. If contact is not	61
possible prior to forcibly entering the vehicle, the person	62
shall make contact as soon as possible after forcibly entering	63
the vehicle.	64
(4) Makes a good faith effort to place a notice on the	65
vehicle's windshield with the person's contact information, the	66
reason the entry was made, the location of the minor, and the	67
fact that the authorities have been notified.	68
(5) Remains with the minor in a safe location until law	69
enforcement or emergency responders arrive.	70
(6) Used not more force to enter the vehicle and remove	71
the minor from the vehicle than was necessary under the	72
circumstances.	73

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(B) Nothing in this section shall affect the person's	74
civil liability if the person attempts to render aid to the	75
minor in addition to what is authorized by this section.	76
(C) A person shall not be immune from civil liability for	77
any damage resulting from the forcible entry of a motor vehicle_	78
for the purpose of removing a minor from the vehicle if the	79
person's actions constitute recklessness or willful or wanton	80
misconduct with regard to the forcible entry of the motor	81
vehicle.	82
(D) As used in this section, "harm" means injury or death.	83